

REMARKS

Applicant gratefully acknowledges the courteous and helpful interview conducted February 24, 2009. Claims 1-24 have been cancelled and new claims 25-31 have been added. Claims 25-31 are now pending in this application.

Claims 1-15 and 17-24 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1-15 and 17-24 have been cancelled, therefore, this rejection is no longer applicable.

Claims 18, 21, 23 and 24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bradbury. Claims 18, 21, 23 and 24 have been cancelled, therefore, this rejection is no longer applicable.

Claims 1-4 and 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bradbury in view of Filho (U.S. Patent No. 6,089,867) and further in view of Applicant's admitted prior art. Claims 1-4 and 8-10 have been cancelled, therefore, this rejection is no longer applicable.

Claims 5, 6, 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bradbury in view of Filho in view of Applicant's admitted prior art and further in view of Ramshaw (U.S. Patent No. 5,791,907). Claims 5, 6, 11 and 12 have been cancelled, therefore, this rejection is no longer applicable.

Claims 7 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bradbury in view of Filho in view of Applicant's admitted prior art and further in view of AORN Journal ("Flash pans; survey process; sterilizing endoscopes; equipment rental, surgical zippers, abbreviations; floor cleaning"). Claims 7 and 13 have been cancelled, therefore, this rejection is no longer applicable.

Claims 14, 15 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bradbury in view of Filho in view of Applicant's admitted prior art and further in view of Ramshaw. Claims 14, 15 and 17 have been cancelled, therefore, this rejection is no longer applicable.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bradbury in view of Ramshaw. Claim 22 has been cancelled, therefore, this rejection is no longer applicable.

Claims 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bradbury in view of Hoemann et al. (US 2002/0082220 A1). Claims 19 and 20 have been cancelled, therefore, this rejection is no longer applicable.

Applicant respectfully submits that, as discussed during the February 24, 2009 interview, new claims 26-31 are patentable under 35 U.S.C. §§ 101 and 112. Further, new claims 26-31 are patentable under sections 102 and 103 in view of the cited prior art. For example, none of the references, taken either alone or in combination disclose or suggest a method of preparing a customized meniscal and/or osteochondral donor allograft in which patient specifications and conditions are received by a first business entity from a medical provider, and where the first business entity provides those patient specifications and conditions to a second business entity, comprising a tissue bank, so the tissue bank can harvest and size, to a specific diameter, length, width and/or thickness, the customized donor allograft. Further, none of the cited references disclose or suggest that the first business entity effect delivery of the customized donor allograft from the tissue bank to the medical provider and also deliver surgical instrumentation to the medical provider.

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In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and to pass this application, with claims 26-31, to issue.

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Respectfully submitted,

By 

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